

Identity Theft Rules

When clients provide the names and social security numbers of all members of their household at the time they apply for public assistance, our workers run a check against the unemployment wages being reported by employers on those same social security numbers. We sometimes find that an employer is reporting wages under one of those social security numbers but with a different name. For first quarter 2006, the social security numbers of approximately 600 children showed wages being reported by employers. We know that the chances are pretty slim that children under 12 are receiving these wages being reported.

We understand the frustration of our workers who want to tell the person who is using their social security number and who is employing them. We all would want to know if someone was using our social security number. However, it is a class A misdemeanor for staff to divulge that information. The penalty for a class A misdemeanor is a fine of \$2,500 and one year imprisonment. It is also a violation of federal law to divulge specific information obtained through the UI wage system. This penalty has chilled our staff from even feeling comfortable telling someone their social security number may have been compromised.

Over the last couple years, we've had meetings with federal offices that we believed might be able to address the issue. But in most cases, the federal offices said their hands were tied until there was a resolution on the issue at the federal level by Congress.

But we haven't wanted to just sit by and wait to see if and when that happens. During that time, DWS has been working with the Attorney General's office to investigate some of the most egregious cases. Our UI division has also sent out approximately 2000 letters a month to employers when the social security number is missing or we believe it to be inaccurate. This data may have just been a transposition of numbers they provided to us, or someone may have been working for an employer under a maiden name and then under a married name. That could explain some of the inadvertent instances where more than one name is under a social security number. Employers could help us clean up these problems. In about 40% of the cases where we send employers letters, the employer provides the corrected information to us. However, for the rest, there is really no penalty for their failure to clean up the data.

Yesterday, our Attorney General, Mark Shurtleff, and I made a presentation to the Legislature's Workforce Services and Community Economic Development Interim Committee about this issue. The Committee asked us

to work with a specific legislator to draft some legislation to take to the Legislature next session. Additionally, the Committee was supportive of drafting a resolution for the Legislature to consider that would encourage Congress to do what is necessary at the federal level to address this situation.

We hope that in the future we will get authority to do more, either from the state Legislature, or Congress. In the meantime, if in the course of your regular duties, it comes to your attention that wages are being reported by someone else on the same social security number given by a client in an application, the only thing you can tell our client is that you have reason to believe their social security number has been compromised (but you cannot give out the name or employer or other specific information about the other person using that social security number).

You can also refer the client to the Attorney General's website (<http://www.idtheft.utah.gov/pn/>) where they can file an ID theft complaint and get information about protecting their credit.

Attached is the Deseret News article about the issue.

Identity theft at Interim

<http://deseretnews.com/dn/print/1,1442,650192482,00.html>